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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,388	09/27/2000	Michael Ginsberg	MS150832.2	6789
27195	7590	03/07/2005	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			ZIA, SYED	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/671,388	GINSBERG, MICHAEL	
	Examiner Syed Zia	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, and 7-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on November 24, 2004. Original application contained Claims 1-20. Applicant previously amended Claims 1-3, 6, 10,12, and 15-17. Applicant currently amended Claims 1, 3,7-9, and 10-12, and cancelled claim 6. Applicant amendments filed on November 24, 2004 have been entered and made of record. Therefore, presently pending claims are 1-5, and 7-20.

Response to Arguments

Applicant's arguments filed November 24, 2004 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 10, and 12 applicants argued that in the cited prior art (CPA) [Anglin (U.S. Patent No. 6,260,069) does not disclose “*comparing an applied trust level of an application with a trust level of a module called by the application... based at least in part upon the comparison*” and regarding Claims 3, and 13 CPA also does not describe “*marking the application with at least one of states: fully trusted, run restricted, and fail to load*“.

This is not found persuasive. The system of Anglin clearly teaches and describes a system and method where a backup request is initiated with a backup client program to backup a requested

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file. A determination is made as to whether the requested file is maintained in a shared name space. The backup request is transmitted by client program to a backup server program *upon determining that* requested file is maintained in the shared name space. The server program to the file server to provide the requested file transmits a message. The requested file is transmitted to the server program and not to client program for storing the requested file in a storage device. As the backup server program handles requests by a client computer to backup files maintained in the file server on the storage device managed by the server program, the network traffic is reduced throughout the distributed computing environment. Since the requested file is transmitted to the backup server program instead of transmitting to backup client program, the usage of network resources by client is reduced.

Therefore, the system of cited prior art describes and provides an access regulation system that can analyze and interact with a computing environment.

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. The examiner is not trying to interpret the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claim 3 and in subsequent dependent Claims. Accordingly, rejections for claims 3-5 are respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, and 7-20 are rejected under 35 U.S.C. 102(e) as being anticipate by Anglin (U.S. Patent No. 6,260,069).

2. As per claims 1, 10, and 12, Anglin teaches the claimed system or method for regulating access to a distributed computing platform (see Figure 1-3), comprising:

a component that analyzes an application that requests access to the distributed computing platform, the component determines a level of access to the distributed computing platform and applies a trust level to the application corresponding to the determined level of access (column 5, lines 18-21, and column 5, lines 33-38), and

a component that compares the applied trust level of the application with a trust level of a module called by the application and regulates access of the application to the distributed computing platform based at least in part upon the comparison (column 5, lines 22-26, and column 5, lines 43-46).

3. As per claims 2 and 19, the component in Anglin's system (see Figure 1 and column 5, lines 22-26) that analyzes the application inherently provides for inheritance of the trust level in the distributed computing environment.

4. As per claims 3 and 13, having the component of Anglin's system that analyzes the application provide for marking the application with at least one of states: (1) fully trusted, (2) run restricted, and (3) fail to load, can be implemented by a person of ordinary in the art without departing from the spirit and scope of the invention since the authentication service in Anglin's system can perform this function (column 5, lines 22-42).

5. As per claim 4, the component in Anglin's system is inherently stored in a ROM in the platform (Figure 1, element 12).

6. As per claim 5, the component in Anglin's system is also part of an operating system (see Figure 1 and column 5, lines 22-26).

7. As per claim 20, the trust level in Anglin is also utilized to regulate access to the distributed computing platform of one or more second modules called by the first module (see Figure 1).

8. As per claim 7, the functionality of one or more Application Programming call Interface (API) calls, when called by the module, can also be selectively restricted depending on which authentication service is used to indicate the level of access or trust

(column 5, lines 22-42).

9. As per claims 8-9, and 16, Anglin suggests that selectively restricting the functionality of one or more API calls includes restricting the functionality to read functions or terminating the first module since Anglin teaches to issue a session authentication ticket to the client indicating the level of access the client has to files maintained in the server (column 5, lines 22-42).

10. As per claim 11, Anglin's system inherently applies the trust level to one or more modules called by the application since the authentication service in Anglin is also used in a distributed computing environment (column 5, lines 22-26).

11. As per claim 14, the trust level for the first module in Anglin also comprises transmitting the first module to a verification program (authentication service, column 5, lines 22-230).

12. As per claim 15, the claimed invention can be implemented by a person of ordinary skill in the art without departing from the spirit and scope of the invention since the authentication service in Anglin's system can selectively abort calls made to one or more APIs (column 5, lines 22-42).

13. As per claims 17 and 18, Anglin inherently teaches that the program for determining the trust level for the first module, or the logic for applying the trust level to regulate access to the platform (distributed computing environment) is stored in a ROM in the platform (see Figure 1, element 12).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sz

March 03, 2005



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**